

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

| | | |
|--------------------------|---|-------------------------------|
| UNITED STATES OF AMERICA |) | |
| |) | Case No. 1:16-cr-0053 |
| v. |) | |
| |) | Judge Travis R. McDonough |
| KENNETH RAY OLIVER |) | |
| |) | Magistrate Judge Susan K. Lee |
| |) | |

ORDER

Magistrate Judge Susan K. Lee filed a report and recommendation recommending that the Court: (1) grant Defendant's motion to withdraw his not guilty plea as to Count One of the one-count Indictment; (2) accept Defendant's guilty plea as to Count One of the Indictment; (3) adjudicate the Defendant guilty of Count One of the Indictment ; (4) defer a decision on whether to accept the amended plea agreement until sentencing; and (5) order that Defendant remain in custody until sentencing in this matter. (Doc. 27.) Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with Magistrate Judge Lee's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation (Doc. 27) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not guilty plea as to Count One of the Indictment of the Indictment is **GRANTED**;
2. Defendant's plea of guilty to Count One of the Indictment is **ACCEPTED**;
3. Defendant is hereby **ADJUDGED** guilty of Count One of the Indictment;

4. A decision on whether to accept the amended plea agreement is **DEFERRED** until sentencing; and
5. Defendant **SHALL REMAIN** in custody until sentencing in this matter which is scheduled to take place on **January 27, 2017, at 9:00 a.m. [EASTERN]** before the undersigned.

SO ORDERED.

/s/Travis R. McDonough

**TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE**